

REMARKS

Claims 1, 2, 4 to 10, 13, 15 to 28, and 30 to 46 are pending in the subject patent application. However, Claims 23 to 26 and Claims 46 are withdrawn from consideration. Therefore, only Claims 1, 2, 4 to 10, 13, 15 to 22, 27, 28, and 30 to 45 are currently being examined.

Claims 1 to 7, 19, 27, 28, and 30 to 33 stand rejected under 35 USC 102 as being anticipated by Robinson (US 4,319,115). However, the Examiner objected to Claims 8 to 10, 20, 21, and 34 to 45 for being dependent on rejected base claim, and submitted that these claims would be allowable if rewritten in independent form.

The Examiner also stated that Claims 13, 15 to 18, and 22 were allowed.

By virtue of the current amendment, the Applicant has cancelled Claims 4 and 6, without prejudice, and has incorporated the subject matter thereof into independent Claim 1.

With respect to the subject matter of (cancelled) dependent Claim 6, the Examiner stated that “claims 4-7, “rim” and the cooperation therewith of the support member, is seen at 20 and the Fig. 3 structure”. The Applicant disagrees with the Examiner’s interpretation of Robinson.

The Applicant points out that (cancelled) dependent Claim 6 stated *inter alia* that the support member includes a substantially horizontal top surface and a substantially vertical outer surface, and that the side of the spa shell comprises an upright side wall and rim that extends from the side wall, such that the rim top of the rim extends substantially horizontally and outwards from the side wall over the horizontal top surface, and the rim face of the rim extends substantially downwards from the rim top and over the vertical outer surface. Claim 6 also stated that the rim face is distinct from the side wall. The Applicant respectfully submits that this structure is neither taught nor suggested by Robinson.

As shown in Fig. 4 of Robinson, the framework 20 is embedded within the side wall of the container 3. Therefore, although the side wall of the container 3 has a dome plug 5 that extends

over the framework 20, the container 3 does not have a rim face that is distinct from the side wall of the container 3 and that extends from the rim top and over the vertical outer surface of the support member, as required by independent Claim 1, as amended herein. Rather, the outer surface of the dome plug 5 merges with the side wall of the container 3. Therefore, independent Claim 1 is not anticipated by Robinson.

Moreover, since the injection molds 21 and 22 (show in Fig. 2 of Robinson) do not include any feature that could injection mold a rim face that is distinct from the side wall of the container, a rim face that is distinct from the side wall is not suggested by Robinson. Therefore, the Applicant submits that independent Claim 1, as amended herein, is not obvious in view of Robinson.

The Examiner stated that allowed dependent Claims 13, 15 and 22 were objected to as being separated from their parent by an intervening independent claim. The Applicant points out that Claim 13, 15 and 22 all depend directly from independent Claim 16. Therefore, the Examiner's objection to Claims 13, 15 and 22 is not understood.

Dependent Claim 20 depends directly from independent Claim 19. By virtue of the current amendment, the Applicant has cancelled Claim 20, without prejudice, and has incorporated the subject matter thereof into independent Claim 19. Since the Examiner asserted that Claim 20 would be allowable if rewritten in independent form, the Applicant submits that amended Claim 19 is allowable.

Dependent Claim 43 depends directly from independent Claim 27. By virtue of the current amendment, the Applicant has cancelled Claim 43, without prejudice, and has incorporated the subject matter thereof into independent Claim 27. Since the Examiner asserted that Claim 43 would be allowable if rewritten in independent form, the Applicant submits that amended Claim 27 is allowable.

The Applicant points out that withdrawn independent Claim 46 corresponds to allowable Claim 27, as amended herein. Similarly, the Applicant has amended withdrawn independent Claim 23

to correspond with allowed independent Claim 19. Therefore, the Applicant respectfully requests that the Examiner rejoin independent Claims 23 and 46.

With respect to Claims 20 to 21, and 44 to 45, the Examiner objected to these claims on the basis that the claim element “the support member being disposed within the ABS plastic layer” was not shown in the drawings. By virtue of the current amendment, the Applicant has removed this limitation from the claims.

In view of the foregoing amendments, the Applicant submits that the subject patent application is in condition for allowance.

Respectfully submitted,

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